IN RE: PETITION FOR VARIANCE

W/S E. Riverside Avenue, 326' N of the

c/l Bay Drive

(1146 E. Riverside Avenue)

15<sup>th</sup> Election District

5<sup>th</sup> Councilmanic District

Robert Beavers Petitioner \* BEFORE THE

\* ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* Case No. 99-486-A

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\* \* \* \* \* \* \* \* \* \* \*

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, Robert Beavers. The Petitioner seeks relief from Sections 1B02.3.C.1 and 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 8 feet in lieu of the required 10 feet, and a front setback of 4 feet, 4 inches, in lieu of the required 40 feet, for a proposed dwelling. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the hearing in support of the request was Robert Beavers, property owner.

There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is a waterfront lot, consists of a gross area of 0.46 acres, more or less, zoned D.R. 5.5, which fronts on Back River. The property is a roughly rectangular shaped lot, approximately 100 feet wide along E. Riverside Avenue, and tapering to a width of 55 feet, 7 inches along the waterline. The property is served by public water, with public sewer connection to be available next year. The property is currently improved with a single family dwelling which has been on the property for many years, and was formerly used as a summer home. The Petitioner is desirous of razing the existing structure and replacing same with a new single family dwelling in accordance with that shown on the site plan.

PRIDER RESEAVED FOR FILING

portion of the lot closest to the road. Thus, a variance is necessary in order to proceed with the proposed improvements.

It is to be noted that there were no adverse Zoning Plans Advisory Committee (ZAC) comments from any Baltimore County reviewing agency, nor any opposition expressed by any adjoining property owner. However, this property is located within the Chesapeake Bay Critical Areas on Back River and as such is subject to compliance with any recommendations made by the Department of Environmental Protection and Resource Management (DEPRM) to minimize the effects of the proposed development on the Bay and its tributaries. In addition, the Development Plans Review division of the Department of Permits and Development Management (DPDM) submitted a ZAC comment limiting the area of building due to the existing of a floodplain on the Petitioner's property. Thus, as a condition of approval, the Petitioner shall be required to comply with the recommendations made by both agencies.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of the <u>Baltimore County Zoning Regulations</u> (B.C.Z.R.) and should therefore be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

The facts and evidence presented have established that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner, and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. The relief

requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

this \_\_\_\_\_ day of January, 1999 that the Petition for Variance seeking relief from Sections 1B02.3.C.1 and 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 8 feet in lieu of the required 10 feet, and a front setback of 4 feet, 4 inches, in lieu of the required 40 feet, for a proposed dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

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- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Compliance with the Zoning Plans Advisory Committee (ZAC) comment submitted by the Department of Environmental Protection and Resource Management (DEPRM) dated July 9, 1999, and the Bureau of Development Plans Review comment dated July 1, 1999, copies of which are attached hereto and made a part hereof.
- 3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

DER RECEIVED FOR FILI



Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386 Fax: 410-887-3468

August 5, 1999

Mr. Robert Beavers 1411 Diffendal Road Baltimore, Maryland 21221

RE: PETITION FOR VARIANCE

W/S E. Riverside Drive, 326' N of the c/l Bay Drive

(1146 E. Riverside Drive)

15th Election District – 5th Councilmanic District

Robert Beavers - Petitioner

Case No. 99-486-A

Dear Mr. Beavers:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT

Zoning Commissioner

for Baltimore County

LES:bis

Chesapeake Bay Critical Areas Commission cc: 45 Calvert Street, 2nd Floor, Annapolis, Md. 21401

DEPRM; People's Counsel; Case File



# Petition for Varia

### to the Zoning Commissioner of Baltimore County

for the property located at 1146 E. Riverside Ave.

which is presently zoned **DBR** 5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

1B02.3. C.1 and 303.1 to permit an 8-ft side setback in lieu of 10ft and a 4'4" front setback in lieu of 40ft.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

- A.) Right side of dwelling has 8' Set-Back
- B.) Roof Peak will be approx. 34' above ground level.

regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

C.) Garage will be 4'- 4" from the East side of E. Riverside Ave. (there are other dwellings less than 4' along E. Riverside Ave.) D.) IrrequeAR Shaped LOT E.) Improving Property

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning

Contract Purchaser/Lessee: Name - Type or Print Signature Address Telephone No. City State Zip Code Attorney For Petitioner: Name - Type or Print Signature Telephone No. State Zip Code ase No. 99-486-A

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

#### Legal Owner(s):

Robert Beavers			
Name - Type or Print			
1060/1	Geore		
Signature			
1411 Diffendal Rd.	410-780	0-7675	x113
Name - Type or Print	****		
Baltimore, Maryland	21221		
Signature			
Address			Telephone No.
City		State	Zip Coae
Representative to b	e Conta	cted:	
Robert Beavers			
Name			·
1411 Diffendal Rd.	410-78	0-7675	x113
Address		<u> </u>	Telephone No.
Baltimore, Maryland	21221		
City		State	Zip Code
OFFIC	E USE C	NLY	
ESTIMATED LENGT	H OF HE	ARING	1 hr
UNAVAILABLE FOR Reviewed By	HEARIN	G Date	6/1/99

# **ZONING DESCRIPTION**

# For **1146 E. RIVERSIDE AVE.**

Beginning at a point on the side of <u>E. Riverside Ave.</u> which is <u>20 feet</u> wide at the distance of <u>326 feet North</u> of the centerline of the nearest improved intersecting street <u>Bay Ave.</u> which is <u>30</u> feet wide. Being lots <u>#57 & 58</u> as recorded by Baltimore County Plat <u>Book# 7, Folio# 4,</u> containing <u>19,875 square feet</u>. Also known as <u>1146 E. Riverside Ave.</u> and located in the <u>15<sup>th</sup></u> Election District, <u>5<sup>th</sup></u> Councilmanic District.

99.486-A

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Rechipt II
UP III 005394 ATD 18905 Phys. 5 No. 065362 Sauce - 1146 E. Rucsola An 1 # 50. 100 AMOUNT \$ 500 ACCOUNT (C) BALTIMORE COUNTY, MARYLA OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT 010- Res. Val DATE (2/1/99 PROM: Rober JAN 488 13y: MJJIC DISTRIBUTION WHITE - CASHIER

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CASHIER'S VALIDATION

YELLOW - CUSTOMER

PINK - AGENCY

### MOTICE OF ZOMING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in <u>Towson</u>, <u>Maryland</u> on the property identified herein as follows:

Case: #99-486-A
1146 East Riverside Avenue
W/S of East Riverside Avenue,
326' N of centertine Bay Ave.
15th Election District
5th Councilmanic District
Legal Owner(s):

Robert Beavers
Variance: to permit an 8-foot
side setback in lieu of 10 feet
and a 4-foot, 4-inch front setback in lieu of 40 feet
Hearing: Friday, July 23,
1999 at 9:00 a.m. in Room
407, County Courts Bldg.,
401 Bosley Avenue.

LAWRENCE E. SCHMIDT Zoning Commissioner for

Boltimore County
NOTES: (1) Hearings are
Handicapped Accessible; for
special accommodations
Commissioner's Office at
(410) 887-4386.

(2) For information concerning, the File and/or Hearing. Contact the Zoning Review Office at (410) 887-3391.

7/135 July 8 C323878

### CERTIFICATE OF PUBLICATION

TOWSON, MD., 7/8 . 1999
THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper published
n Towson, Baltimore County, Md., once in each of successive
veeks, the first publication appearing on $\frac{78}{199}$ .
·
THE JEFFERSONIAN,
S. Wilkings

LEGAL ADVERTISING

#### CERTIFICATE OF POSTING

RE: CASE # 99-486-A
PETITIONER/DEVELOPER:
[Robert Beavers]
DATE OF Hearing
[July 23, 1999]

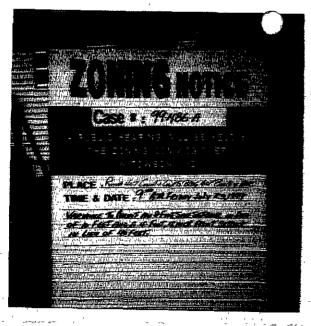
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Ave. Towson, Maryland 21204

ATTENTION: MS. GWENDOLYN STEPHENS

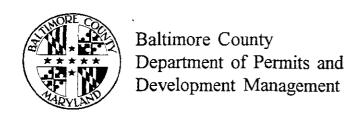
LADIES AND GENTLEMEN:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 1146 East Riverside Ave. Baltimore , Maryland 21221\_\_\_\_\_\_

The sign(s) were posted on 7-7-99 [Month, Day, Year]



Sincerely,						
(Signature of Sign Poster & Date)						
Thomas P. Ogle, Sr						
325 Nicholson Road						
Baltimore, Maryland 21221						
(410)-687-8405 [Telephone Number]						



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

June 21, 1999

#### NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-486-A 1146 East Riverside Avenue W/S of East Riverside Avenue, 326' N of centerline Bay Avenue 15<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District Legal Owner: Robert Beavers

<u>Variance</u> to permit an 8-foot side setback in lieu of 10 feet and a 4-foot, 4-inch front setback in lieu of 40 feet.

HEARING: Friday, July 23, 1999 at 9:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue

Arnold Jablon Director

c: Robert Beavers

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY JULY 8, 1999.

(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY

July 8, 1999 Issue – Jeffersonian

Please forward billing to:

Robert Beavers 11 Running Court Baltimore, MD 21221 410-780-7675, x 113 OR 410-918-0004

#### NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-486-A 1146 East Riverside Avenue W/S of East Riverside Avenue, 326' N of centerline Bay Avenue 15<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District Legal Owner: Robert Beavers

Variance to permit an 8-foot side setback in lieu of 10 feet and a 4-foot, 4-inch front setback in lieu of 40 feet.

Friday, July 23, 1999 at 9:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue

LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

> (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING. CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

# 486

# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

#### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
To Newspaper Advertisting.
Item Number or Case Number: 99-486-A
Petitioner: Robert Beavers
Address or Location: 1146 ERiverside Ave. BALTO, MD 2122
PLEASE FORWARD ADVERTISING BILL TO:
Name: Robert Beavers
Address: 11 Ronning CT. BALTMORE, MD 21221
Telephone Number: (410) 780-7675 x113 on 718-0004

Revised 2/20/98 - SCJ

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: July 1, 1999

Department of Permits & Development

Management

FROM:

Robert W. Bowling, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

for June 28, 1999 Item No. (486)

The Bureau of Development Plans Review has reviewed the subject zoning item. In accordance with Bill No. 18-90, Section 26-276 dredging, filling or construction in any wetland is prohibited.

Riverside Avenue is an existing road which shall ultimately be improved as a 30-foot street cross section on a 50-foot right-of-way.

The property to be developed is located adjacent to tidewater. The Developer is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on the lowest floor (including basements) of residential (commercial) development.

The rear of buildings may not be constructed within 20 feet of the limits of the flood plan as established for a 100-year flood level with a 1 foot freeboard. See Plate D19 in the Baltimore County Design Manual.

In conformance with Federal Flood Insurance requirements, the first floor or basement floor must be at least 1 foot over the flood plain elevation in all construction.

In accordance with Bill No. 18-90, Section 26-276 filling within a flood plain is prohibited.

The minimum flood protection elevation is 10 feet for this site.

A building permit will not be issued until the necessary permits from the state and federal agencies have been obtained.

RWB:HJO:jrb

cc: File

ZAC06289.486

## BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT.

TO:	Amold Jabion							
FROM:	R. Bruce Seeley M							
DATE:	July 9, 1999							
SUBJECT	T: Zoning Item #486) 1146 E. Riverside Ave							
Zo	oning Advisory Committee Meeting of June 21, 1999							
	The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.							
an	The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.							
	The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:							
	Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).							
<del></del>	Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).							
	<ul> <li>Development of this property must comply with the Chesapeake Bay</li> <li>Critical Area Regulations (Sections 26-436 through 26-461, and other</li> <li>Sections, of the Baltimore County Code).</li> </ul>							
<del></del>								

A) 33

### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

Date: June 28, 1999

TO: Arnold Jablon, Director

Department of Permits

and Development Management

FROM: Arnold F. 'Pat' Keller, III, Director

Office of Planning

**SUBJECT:** Zoning Advisory Petitions

The Office of Planning has no comment on the following petition(s):

Item No(s): 486 and 487

If there should be any questions or this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief: Jeffy M. Long

AFK/JL



700 East Joppa Road Towson, Maryland 21286-5500 410-887-4500

July 9, 1999

Arnold Jablon, Director Zoning Administration and Development Management Baltimore County Office Euilding Towson, MD 21204 MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF June 21, 1999

Itam No.: See Below Zoning Agenda:

Gentlemen:

Pursuant to your reduest, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

485) 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

	PETITIO				verside .	Δxa 376'	*	BEFO	ORE TH	E	
1146 E. Riverside Avenue, W/S of E. Riverside Ave, 326' N of c/l Bay Ave					*	ZONING COMMISSIONER					
15th E	Election D	istrict, 5	th Coun	cilmanic	:		*	FOR			
Legal	Owner: F Petition		Beavers				*	BAL	TIMORI	E COUN	TY
							*	Case	No. 99-	486-A	
*	*	*	*	*	*	*	*	*	*	*	*

#### **ENTRY OF APPEARANCE**

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

> PETER MAX ZIMMERMAN People's Counsel for Baltimore County

> > Jarole S. Domilio

Peter May Timmerman

CAROLE S. DEMILIO Deputy People's Counsel Old Courthouse, Room 47 400 Washington Avenue Towson, MD 21204 (410) 887-2188

I HEREBY CERTIFY that on this \_\_\_\_\_ day of June, 1999 a cop day of June, 1999 a copy of the foregoing Entry of

Appearance was mailed to Robert Beavers, 1411 Diffendal Road, Baltimore, MD 21221, Petitioner.

PETER MAX ZIMMERMAN





99-486-A

